IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8011 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DHIRAJILAL L SUKHADIA

Versus

DHORAJI MUNICIPALITY

Appearance:

MR PV HATHI for Petitioner

MR ND NANAVATI for Respondent No. 1

GOVERNMENT PLEADER for Respondent No. 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/06/2000

ORAL JUDGEMENT

#. The petitioner voluntarily retired from the services of the respondent No.1 on 30.11.1987. He filed this petition and praying therein for the following reliefs :-

(A) to allow this petition with costs;

(B) to direct the respondent Municipality to make payment of the entire amount which remains due and payable to the petitioner together with interest at the rate of 12% on and from 1st December, 1987, within the time that may be specified by this Hon'ble Court;

(C) to direct the respondent Nos. 2 and 3 to take appropriate penal and other actions against the respondent No.1 Municipality as provided by the provisions of the Gujarat Municipalities Act;

(D) to issue interim mandatory directions directing the respondent No.1 Municipality to make payment of an amount of Rs.74,000/= or the amount of provident fund of Rs.46,102/= together with interest at the rate of 12% within fifteen days from the date of the order pending the hearing and final disposal of this petition;

(E) to pass such other order or orders as the nature and circumstances of the case may require."

#. This court on 2.12.88 admitted the matter and by way of interim relief the respondent No.1 was directed to deposit an amount of Rs.23,000/= in the court and liberty given to the petitioner for withdrawal of the same. On 15.3.1991 by way of further interim relief the respondent No.1 was directed to pay to the petitioner an amount of Rs.10,000/=towards retiral benefits. On 7.2.89 this court further by way of interim order directing the Municipality to pay to the petitioner Rs.10,000/= towards retiral benefits. Nobody is present on behalf of the respondent No.1 or the petitioner to state whether this directions of the court made from time to time were complied with or not. The claim of the petitioner has not been contested by the respondents. They have not filed reply to the Special Civil Application and as such whatever statements of facts made therein are to be accepted and accordingly it is hereby ordered that the respondent shall pay to the petitioner a sum of Rs.74,000/= with interest thereon @12% from 1.12.87 till

the date of the payment thereof. However, it is made clear that in case in pursuance to the orders of this court made from time to time or otherwise any amount has been paid by the respondent No.1 to the petitioner against this claim, it is open to it to deduct the same and interest is to be calculated on the full amount till the date of payment or payments and on balance amount till the payment thereof. Rule is made absolute in these terms with no orders as to costs.

(S.K.Keshote, J.)

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